

IN THE SENATE

SENATE BILL NO. 1144

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE FIRE PROTECTION BOARD; AMENDING SECTION 31-1408, IDAHO CODE, TO DELETE CERTAIN RESIDENCE REQUIREMENTS RELATING TO FIRE PROTECTION DISTRICT COMMISSIONERS, TO REVISE PROVISIONS RELATING TO WHEN THE OATH OF OFFICE OF FIRE PROTECTION COMMISSIONERS SHALL BE TAKEN AND TO REVISE EXCEPTION PROVISIONS RELATING TO TAKING THE OATH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-1408, Idaho Code, be, and the same is hereby amended to read as follows:

31-1408. FIRE PROTECTION BOARD – APPOINTMENT OF COMMISSIONERS – OATH. (1) There shall be three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the governor. The certificate of such appointment shall be made in triplicate; one (1) certificate shall be filed in the office of the county recorder of the county; one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner and appointed officer shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. ~~If the district is situated in two (2) or more counties, not more than two (2) of the fire protection district commissioners shall be from the same county, unless pursuant to section 31-1410A, Idaho Code, the board is comprised of five (5) members, in which event not more than three (3) of the commissioners shall be from the same county.~~

(2) The oath of office of fire protection commissioners and appointed officers shall be taken before the secretary or the president of the board of the fire district ~~on the second Monday of~~ at the first regularly scheduled board meeting in January succeeding each general election. ~~Provided however, in the event, for any reason,~~ of an inability to appear for the taking of the oath, a duly elected fire protection commissioner may be sworn in and may subscribe to the oath wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further, that any person who is in any branch of the armed forces of the United States of America, may appear before any person qualified to administer oaths as prescribed in section 55-705, Idaho Code, and may take and subscribe the oath of office as provided for in section 59-401, Idaho Code, and the oath of office shall have the same force and effect as though it were taken before the secretary or the president of the fire district pursuant to this subsection.